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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,733	01/10/2005	Ernst Reder	740207-1010	9733
24504	7590	04/04/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			TAI, CYRIL	
100 GALLERIA PARKWAY, NW				
STE 1750			ART UNIT	
ATLANTA, GA 30339-5948			PAPER NUMBER	
			1723	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/520,733		REDER ET AL.	
	Examiner		Art Unit	
	Cyril Tai		1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/10/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in DE 102 31 095.5 on 07/10/2002. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "30". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 12 is objected to because of the following informalities: reference character "30" is not enclosed in parentheses. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3, 10, 11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 3 and 16 recite the limitation "the lower wall section" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitation is treated as "a lower wall section."

8. Claim 10 recites the limitation "the outer contour" in line 3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitation is treated as "an outer contour."

9. Claim 11 recites the limitation "the wedge shaped ring area" in line 3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitation is treated as "a wedge shaped ring area."

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-8 and 13-18 rejected under 35 U.S.C. 102(b) as being anticipated by Vannoy et al (US 5,830,348).

Regarding claim 1, Vannoy et al disclose a filter cartridge (10) with a filter material (22) comprising a cartridge container (12) with bottom wall (26) and peripheral wall (14) and with a lid (38), comprised of a lid bottom (horizontal wavy portion of lid (38) of Fig. 1) and a strip-shaped lateral wall (vertical portion of lid (38) of Fig. 1), with a form matching according to its border (see Fig. 3), which is fitted at the inner side of the peripheral wall (see Fig. 1), whereby that the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section (see Fig. 1), whereby the curved edge section and the lateral wall join in a common wall section, tapering inwards, in the area with the matching form (see Fig. 1).

Regarding claim 2, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein the lateral wall is connected with the curved edge section tangentially (see Figs. 1 and 3).

Regarding claim 3, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein the common wall section forms the lower wall section of the lateral wall (see Fig. 1).

Regarding claim 4, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein the curved edge section extends up to the inner end of the strip-shaped lateral wall (see Fig. 1).

Regarding claim 5, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein the curved edge section has a mean edge radius of curvature R , which satisfies $R \geq 5 \times S$, whereby S indicates the thickness of the peripheral wall of the cartridge container (see Fig. 1).

Regarding claim 6, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein the curved edge section spans an angle α from 80° to 100° (see Fig. 1).

Regarding claim 7, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein the lateral wall has an upper wall section, which extends upwards from the common wall section at least up to height of lid bottom (see Fig. 1).

Regarding claim 8, Vannoy et al disclose the filter cartridge as claimed in claim 7, wherein the upper wall section of the lateral wall and the curved edge section border on their outer side with a ring space with a wedge-shaped cross section (see Fig. 1).

Regarding claim 13, Vannoy et al disclose the filter cartridge as claimed in claim 1, wherein at least one section of the common wall section is joined with the peripheral wall (col. 4, lines 15-17). "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art,

the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 14, Vannoy et al disclose the filter cartridge as claimed in claim 13, wherein the section is joined with the peripheral wall (col. 4, lines 15-17). "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Regarding claim 16, Vannoy et al disclose the filter cartridge as claimed in claim 2, wherein the common wall section forms the lower wall section of the lateral wall (see Fig. 1).

Regarding claim 17, Vannoy et al disclose the filter cartridge as claimed in claim 16, wherein the curved edge section has a mean edge radius of curvature R , which satisfies $R \geq 5 \times S$, whereby S indicates the thickness of the peripheral wall of the cartridge container (see Fig. 1).

Regarding claim 18, Vannoy et al disclose the filter cartridge as claimed in claim 2, wherein the lateral wall has an upper wall section, which extends upwards from the common wall section at least up to height of lid bottom (see Fig. 1).

12. Claims 1, 7-12, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Covington (US 5,301,958).

Regarding claim 1, Covington discloses a filter cartridge (8) with a filter material (22) comprising a cartridge container (10) with bottom wall (12) and peripheral wall (see Fig. 1) and with a lid (16), comprised of a lid bottom (curving portion of lid (16) of Fig. 2) and a strip-shaped lateral wall (40), with a form matching according to its border (see Fig. 2), which is fitted at the inner side of the peripheral wall (see Figs. 1 and 2), whereby that the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section (see Fig. 2), whereby the curved edge section and the lateral wall join in a common wall section, tapering inwards, in the area with the matching form (see Fig. 2).

Regarding claim 7, Covington discloses the filter cartridge as claimed in claim 1, wherein the lateral wall has an upper wall section, which extends upwards from the common wall section at least up to height of lid bottom (see Fig. 2).

Regarding claim 8, Covington discloses the filter cartridge as claimed in claim 7, wherein the upper wall section of the lateral wall and the curved edge section border on their outer side with a ring space with a wedge-shaped cross section (see Fig. 2).

Regarding claim 9, Covington discloses the filter cartridge according to claim 1, further comprising a back-up ring (20) is arranged on the lid (see Figs. 1 and 2).

Regarding claim 10, Covington discloses the filter cartridge according to claim 9, wherein at least the bottom contour of the back-up ring is built such that is it complementary to an outer contour of the lid (see Fig. 2).

Regarding claim 11, Covington discloses the filter cartridge according to claim 9, wherein the back-up ring does not fill a wedge-shaped ring area completely (see Fig. 2; col. 3, lines 37-41).

Regarding claim 12, Covington discloses the filter cartridge according to claim 9, further comprising a slit-shaped recess between the back-up ring and a position of the curved edge section bordering on the common wall section (see Fig. 2; col. 3, lines 37-41).

Regarding claim 19, Covington discloses the filter cartridge according to claim 8, further comprising a back-up ring (20) is arranged on the lid (see Figs. 1 and 2).

Regarding claim 20, Covington discloses the filter cartridge according to claim 12, wherein at least one section of the common wall section is joined with the peripheral wall (see Fig. 2; col.2, lines 35-40). “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

13. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Holt (US 5,690,814).

Regarding claim 1, Holt discloses a filter cartridge (10) with a filter material (24) comprising a cartridge container (12) with bottom wall (36) and peripheral wall (38) and

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with a lid (14), comprised of a lid bottom (64) and a strip-shaped lateral wall (66), with a form matching according to its border (see Fig. 3), which is fitted at the inner side of the peripheral wall (see Fig. 3), whereby that the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved edge section (see Fig. 3), whereby the curved edge section and the lateral wall join in a common wall section, tapering inwards, in the area with the matching form (see Fig. 3).

Regarding claim 15, Holt discloses the filter cartridge as claimed in claim 1, wherein the material of the cartridge container is transparent to laser light (col. 3, lines 40-41) and at least the material of the lateral wall of the lid is absorptive to laser light (col. 3, lines 46-47). The cartridge container is made of a transparent material which allows transmission of light through. The lid is made of steel which does not allow transmission of light through, therefore absorptive of light.

Conclusion


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cyril Tai whose telephone number is (571) 272-1495. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cyril Tai
Examiner
Art Unit 1723


JOHN S. KIM
PRIMARY EXAMINER

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3/30/2006